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EXAMINER

FRINK, JOHN MOORE

ART UNIT	PAPER NUMBER
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2142

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/675,076

Applicant(s)

KARAOGUZ ET AL.

Examiner

JOHN M. FRINK

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/15/2007 regarding the rejection made under 35 USC 112 have been fully considered and the rejection has been withdrawn. It is noted that when Applicant utilizes the term 'television' Applicant is discussing a device that contains more functionality than what the term 'television' normally encompasses; i.e., a television/media processing system combination device.

2. Applicant's arguments filed 11/15/2007 continue by arguing the rejections made under 35 USC 103, SONICblue's ReplayTV in view of Van Der Schaar. Applicant states that "the SONICblue document discloses only functionalities provided . . . at a specific geographic location" and adds "For example, SONICblue discloses network functionalities of the ReplayTV DVR with regard to accessing and transferring media **only within a given home network environment and not between different geographic locations.**" To support these assertions, Applicant cites pgs. 55 and 57. The examiner agrees that these citations do show transferring within different rooms of a house. However, different rooms are still different geographic locations. The degree of difference in the locations is not claimed in the independent claims; said independent claims do not state that the geographic difference must be to the degree that the other networked devices be located 'outside the user's home', nor do they state anything to that effect.

Regarding dependent claims 7 and 17, which further specify the degree of difference in said geographic locations, pg. 59 of the SONICblue reference,

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unaddressed by Applicant, states that 'ReplayTV allows you to send recordings-including shows you record and home videos-to other ReplayTVs over the Internet.'

Pages 59 and 60 then continue by describing how a user adds other ReplayTVs to their devices 'Internet Address Book'. This step is not required when the devices are in the same home, and thus located on the same home network. Thus, SONICblue's ReplayTV clearly can network with devices in different geographic locations where said locations comprise different residence locations; this is inherent when connections are made over the Internet, as the Internet inherently encompasses devices all over the world (i.e., the Internet is not confined solely to devices within a user's home).

To provide additional clarification that shows Applicant's exact language of 'geographic locations', the Examiner cites *Paramount Pictures Corp. v ReplayTV & SonicBlue* (October 30, 2001), hereafter *Paramount*. *Paramount*, on page 26, addressing the same ReplayTV 4000 device described by the previously cited ReplayTV reference, states that 'there is no geographic limit . . . to the Send Show feature' (where said 'Send Show' feature is the ability to network with and share content with other ReplayTV devices).

Applicant's arguments therefore are not persuasive.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over SONICblue Incorporated (ReplayTV 4000 User Guide, 2001; where the features of the ReplayTV 4000 are further discussed in Paramount Pictures Corp. v ReplayTV and SonicBlue) in view of Van Der Schaar et al. (US 2002/0006161 A1).
3. Regarding claims 1 and 11, SONICblue shows a method for, and a machine-readable storage, that, when executed, causes a computer to perform steps comprising: controlling communication of media from system including a digital video recording device and a television, without consuming the media by said television or said digital video recording device during said controlling, wherein said media processing system comprises a plurality of media processing devices at a plurality of geographic locations, and transferring the media from a first media processing device at a first geographic location to at least a second media processing device at a second geographic location according to said controlling communication (SONICBlue, pgs. 55 and 59, with further discussion in Paramount, pg. 26).

SONICblue does not show where said digital video recorder device and said television are combined into one device, resulting in said controlling communication being by said television.

Van Der Schaar et al. show where said digital video recorder device and said television are combined into one device, resulting in said controlling communication being by said television (Fig. 8, [0045]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of SONICblue with that of Van Der Schaar et al. in order to enable a simplified device; all functionally would be provided by one unit, removing the need to connect said television and said digital video recorder and thus simplifying the set-up and operation of said device.

4. Regarding claim 21, SONICblue in view of Van Der Schaar et al. further show a media peripheral and a television within a media processing system at a first geographic location (Van Der Schaar et al., Fig. 8, [0045] and SONICblue, pg. 59) that is utilized to arrange media delivery from a second geographic location to the media peripheral at said first geographic location for playback on said media peripheral, along with communication pathway between the first geographic location and the second geographic location that operates independent of the television through which the media is delivered is also shown (SONICblue, pg. 55 and pg. 59 - 60).

5. Regarding claims 2, 3, 12, 13, 22 and 23, SONICblue in view of Van Der Schaar et al. further show generating at least one command from said television causing said transfer of the media, as well as receiving at least one command that results in said transfer of media from said first geographic location to said second geographic location (SONICblue, pg. 59 - 60).

6. Regarding claims 4, 5, 14 and 15, SONICblue in view of Van Der Schaar et al. further show receiving at least one request by said television for said controlling communication of the media, that further results in said transfer of the media from said first geographic location to said second geographic location (SONICblue, pg. 59 - 60).

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7. Regarding claims 6 and 16, SONICblue in view of Van Der Schaar et al. further show where said first and said second geographic location correspond to a location of one or more media peripheral, a media processing system a media storage system, a personal computer, and a third party media provider (SONICblue, pg. 55).

8. Regarding claims 7 and 17, SONICblue in view of Van Der Schaar et al. further show where said first geographic location and said second geographic location comprise different residence locations (SONICblue, pg. 55 and pg. 59 – 60 and Paramount, pg. 26 item 9).

9. Regarding claims 8 and 18, SONICblue in view of Van Der Schaar et al. further show displaying a user interface on a display of said television for said controlling communication of said transfer of media (pg. 57 and pg. 60).

10. Regarding claims 9 and 19, SONICblue in view of Van Der Schaar et al. further show scheduling said transfer of media from said first location to at least a second geographic location utilizing said television without consuming the media during said transfer (SONICblue, pg. 22 and Chapter 5).

11. Regarding claim 10 and 20, SONICblue in view of Van Der Schaar et al. further show storing said transferred media in at least one of said first geographic location and said second geographic location (SONICblue, Chapter 3, pg. 22 and pg. 55 and pg. 59 – 60).

12. Regarding claim 24, SONICblue in view of Van Der Schaar et al. further show where said television displays a user interface that is utilized to control said media

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delivery (SONICblue, Chapter 3, pg. 20, pg. 25 and pg. 33, Chapter 5, pg. 57 and pg. 60).

13. Regarding claim 25, SONICblue in view of Van Der Schaar et al. further show where said user interface provides an indication of said media peripheral (SONICblue, Chapter 1, pg. 5, Chapter 30, pg. 20, pg. 35 ('Recording dots' side box), Chapter 5, pg. 57).

14. Regarding claim 26, SONICblue in view of Van Der Schaar et al. further show where upon selection of said media peripheral in said user interface, said media delivery is initiated (SONICblue, Chapter 3, pg. 25 – 27, Chapter 5, pg. 60).

15. Regarding claim 27, SONICblue in view of Van Der Schaar et al. further show a system supporting communication of media, the system comprising a media peripheral located at a first home and a television located at a second home, wherein said television is utilized to arrange delivery of media from said second home to said media peripheral at said first home (SONICblue, Chapter 5, pg. 57 – 61 and Paramount, pg. 26 item 9).

16. Regarding claim 28, SONICblue in view of Van Der Schaar et al. further show where said television retrieves stored media and transfers said stored media to at least one of a media peripheral located at a first home and a media peripheral remotely located with respect to said first home (SONICblue, Chapter 5, pg. 57 – 61).

17. Regarding claim 29, SONICblue in view of Van Der Schaar et al. further show where said television schedules said delivery of media to said media peripheral (SONICblue, Chapter 5, pg. 57 – 62).

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18. Regarding claim 30, SONICblue in view of Van Der Schaar et al. further show where said television redirects delivery of media to said media peripheral without said television at least one of receiving and consuming the media (SONICblue, Chapter 5, pg. 57 – 62).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Frink whose telephone number is (571) 272-9686. The examiner can normally be reached on M-F 7:30AM - 5:00PM EST; off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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John Frink

(571) 272-9686

A handwritten signature in cursive script, reading "Andrew Caldwell". The signature is written in black ink and is positioned above the printed name and title.

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER